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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration
Submitted With Initial
Filing
OR
☒ Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

Attorney Docket Number	EX02-049C2
First Named Inventor	Hager, et al
COMPLETE IF KNOWN	
Application Number	10/797,978
Filing Date	3/10/2004
Art Unit	
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Multi-Well Apparatus

the specification of which (Title of the Invention)

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 03/10/2004 as United States Application Number or PCT International

Application Number 10/797,978 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

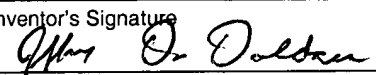
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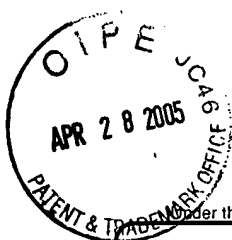
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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number		23500		OR <input type="checkbox"/> Correspondence address below	
Name Exelixis, Inc.					
Address 170 Harbor Way					
City South San Francisco		State CA		ZIP 94083-0511	
Country US		Telephone 650-837-7000		Fax 650-837-8234	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.					
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any]) David Clarence			Family Name or Surname Hager		
Inventor's Signature 			Date 4/26/05		
Residence: City San Francisco		State CA		Country US	
Mailing Address 2542 46th Avenue					
City San Francisco		State CA		Zip 94116	
Country US		Citizenship US			
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any]) Jeffery D. JEFFREY D.			Family Name or Surname Donaldson		
Inventor's Signature 			Date 3/18/2005		
Residence: City Tigard		State OR		Country US	
Mailing Address 8550 S.W. Colony Creek Court					
City Tigard		State OR		Zip 97224	
Country US		Citizenship US			
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the 2 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.					




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DECLARATION

ADDITIONAL INVENTOR(S) Supplemental Sheet

Page 3 of 3

Name of Additional Inventor, if any		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Patrick		Kearney	
Inventor's Signature 		Date 3/24/05	
Residence: City	San Francisco	State	CA
		Country	US
Citizenship		US	
Mailing Address 195 Bocana Street			
Mailing Address			
City	San Francisco	State	CA
		ZIP	974110
		Country	US
Name of Additional Inventor, if any		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Douglas O.		Keller	
Inventor's Signature		Date	
Residence: City	Lake Oswego	State	OR
		Country	US
Citizenship		US	
Mailing Address 17754 Treetop Lane			
Mailing Address			
City	Lake Oswego	State	OR
		Zip	97034
		Country	US
Name of Additional Inventor, if any		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
James William		Leahy	
Inventor's Signature		Date	
Residence: City	San Leandro	State	CA
		Country	US
Citizenship		US	
Mailing Address 1185 Camellia Court			
Mailing Address			
City	San Leandro	State	CA
		Zip	94577
		Country	US

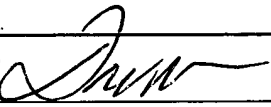
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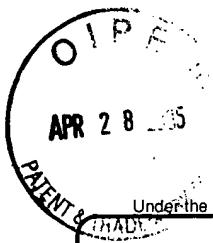
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DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet	Page <u>3</u> of <u>3</u>
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Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))				Family Name or Surname	
Patrick				Kearney	
Inventor's Signature				Date	
Residence: City		San Francisco		State CA	
Country		US		Citizenship US	
Mailing Address 195 Bocana Street					
Mailing Address					
City San Francisco		State CA		ZIP 974110	
Country		US			
Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))				Family Name or Surname	
Douglas O.				Keller	
Inventor's Signature 				Date	
Residence: City		Lake Oswego		State OR	
Country		US		Citizenship US	
Mailing Address 17754 Treetop Lane					
Mailing Address					
City Lake Oswego		State OR		Zip 97034	
Country		US			
Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))				Family Name or Surname	
James William				Leahy	
Inventor's Signature				Date	
Residence: City		San Leandro		State CA	
Country		US		Citizenship US	
Mailing Address 1185 Camellia Court					
Mailing Address					
City San Leandro		State CA		Zip 94577	
Country		US			

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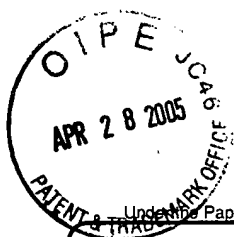
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**DECLARATION****ADDITIONAL INVENTOR(S)
Supplemental Sheet**Page 3 of 3

Name of Additional Inventor, if any		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Patrick		Kearney	
Inventor's Signature		Date	
Residence: City	San Francisco	State	CA
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Mailing Address			
City	San Francisco	State	CA
ZIP	974110	Country	US
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Given Name (first and middle (if any))		Family Name or Surname	
Douglas O.		Keller	
Inventor's Signature		Date	
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Mailing Address			
City	Lake Oswego	State	OR
Zip	97034	Country	US
Name of Additional Inventor, if any		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
James William		Leahy	
Inventor's Signature <i>James William Leahy</i>		Date <i>4/6/05</i>	
Residence: City	San Leandro	State	CA
Country	US	Citizenship	US
Mailing Address 1185 Camellia Court			
Mailing Address			
City	San Leandro	State	CA
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PTO/SB/02A (09-04)

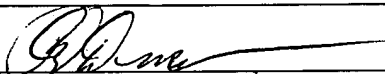
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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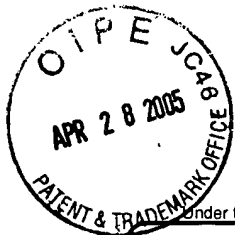
DECLARATION**ADDITIONAL INVENTOR(S)
Supplemental Sheet**

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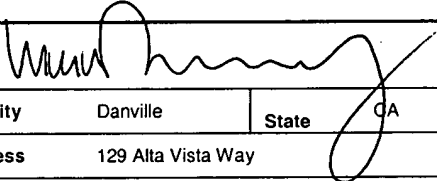
Name of Additional Inventor, if any		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))		Family Name or Surname					
Robert D.		Mercer					
Inventor's Signature 		Date 4-04-05					
Residence: City	Cornelius	State	OR	Country	US	Citizenship	US
Mailing Address 4-04-05 1984 SW Blooming-Fern Hill Rd 39641							
Mailing Address							
City	Cornelius	State	OR	ZIP	97113	Country	US
Name of Additional Inventor, if any		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))		Family Name or Surname					
Michael		Morrissey					
Inventor's Signature		Date					
Residence: City	Danville	State	CA	Country	US	Citizenship	US
Mailing Address 129 Alta Vista Way							
Mailing Address							
City	Danville	State	CA	Zip	94506	Country	US
Name of Additional Inventor, if any		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))		Family Name or Surname					
Troy M.		Swartwood					
Inventor's Signature		Date					
Residence: City	Seattle	State	WA	Country	US	Citizenship	US
Mailing Address 4044 NE 58th Street							
Mailing Address							
City	Seattle	State	WA	Zip	98105	Country	US

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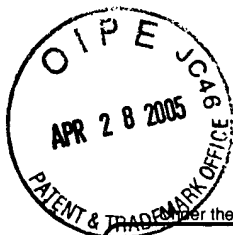


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Name of Additional Inventor, if any		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))		Family Name or Surname					
Robert D.		Mercer					
Inventor's Signature		Date					
Residence: City	Cornelius	State	OR	Country	US	Citizenship	US
Mailing Address 19641 SW Blooming-Fern Hill Rd							
Mailing Address							
City	Cornelius	State	OR	ZIP	97113	Country	US
Name of Additional Inventor, if any		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))		Family Name or Surname					
Michael		Morrissey					
Inventor's Signature 		Date		3-24-2005			
Residence: City	Danville	State	CA	Country	US	Citizenship	US
Mailing Address 129 Alta Vista Way							
Mailing Address							
City	Danville	State	CA	Zip	94506	Country	US
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Troy M.		Swartwood					
Inventor's Signature		Date					
Residence: City	Seattle	State	WA	Country	US	Citizenship	US
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DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet
Page <u>4</u> of <u>4</u>	

Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))			Family Name or Surname		
Robert D.			Mercer		
Inventor's Signature				Date	
Residence: City	Cornelius	State	OR	Country	US
Mailing Address 19641 SW Blooming-Fern Hill Rd					
Mailing Address					
City	Cornelius	State	OR	ZIP	97113
			Country	US	
Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))			Family Name or Surname		
Michael			Morrissey		
Inventor's Signature				Date	
Residence: City	Danville	State	CA	Country	US
Mailing Address 129 Alta Vista Way					
Mailing Address					
City	Danville	State	CA	Zip	94506
			Country	US	
Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))			Family Name or Surname		
Troy M.			Swartwood		
Inventor's Signature <i>Troy M Swartwood</i>				Date <i>3/17/05</i>	
Residence: City	Seattle	State	WA	Country	US
Mailing Address 4044 NE 58th Street					
Mailing Address					
City	Seattle	State	WA	Zip	98105
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ASSIGNMENT

WHEREAS we, David Clarence Hager, Jeffrey D. Donaldson, Patrick Kearney, Douglas O. Keller, James William Leahy, Robert D. Mercer, Michael Morrissey, and Troy M. Swartwood, have previously entered into an agreement with Exelixis, Inc., South San Francisco, CA, to assign all our right, title and interest in and to any and all inventions made or conceived or reduced to practice during the course of our employment with Exelixis, and further agreed to execute additional assignment documents to assist Exelixis with respect to its proprietary rights, and wherein we, during the course of our employment with Exelixis have invented **Multi-Well Apparatus** (hereinafter "Invention"), disclosed in an application for United States patent, said application filed on March 10, 2004, Serial No. 10/797,978.

We are informed that Exelixis, Inc., 170 Harbor Way, P.O. Box 511, South San Francisco, California 94083-511 is desirous of obtaining an assignment document that indicates that Exelixis Plant Sciences, Inc., a wholly owned subsidiary of Exelixis, Inc. (collectively hereinafter referred to as Assignee), has received all right, title and interest to the Invention.

Now, therefore, and in consideration of our employment and compensation paid to us by Assignee and other good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, we have assigned to said Assignee and said Assignee's legal representatives, successors and assigns, the entire right, title, and interest (a) in and to said application and said Invention; (b) in and to all rights to apply for foreign patents on said invention; (c) in and to any and all applications filed and any and all patents granted on said Invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, continuation or nonprovisional 37 CFR 1.53(b) application of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the above-mentioned Assignee agreeably with the terms of this agreement.

We hereby authorize the above-mentioned Assignee or its legal representative to insert in this instrument the filing date and serial number of said application or any other information that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

We have conveyed to said Assignee the entire right to make application in its own behalf for protection of said Invention in countries foreign to the United States and where expedient to claim under the International Convention or other international arrangement for any such application the date of the said United States application (or other application if any there be) in priority to other applications; and we have agreed that we will at any time upon request, without further or additional compensation or additional consideration, but at the expense of the said Assignee, execute such additional assignments and other writings and do such additional acts as said Assignee may deem necessary or desirable or perfect the Assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, renewal, reissued or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or chose in action accruing as a result of such application or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of both parties.

Date: 4/26/05

Date: 3/18/2005

Date: _____

By: 
David Clarence Hager

By: 
Jeffrey D. Donaldson

By: _____
Patrick Kearney

ASSIGNMENT

WHEREAS we, David Clarence Hager, Jeffrey D. Donaldson, Patrick Kearney, Douglas O. Keller, James William Leahy, Robert D. Mercer, Michael Morrissey, and Troy M. Swartwood, have previously entered into an agreement with Exelixis, Inc., South San Francisco, CA, to assign all our right, title and interest in and to any and all inventions made or conceived or reduced to practice during the course of our employment with Exelixis, and further agreed to execute additional assignment documents to assist Exelixis with respect to its proprietary rights, and wherein we, during the course of our employment with Exelixis have invented **Multi-Well Apparatus** (hereinafter "Invention"), disclosed in an application for United States patent, said application filed on March 10, 2004, Serial No. 10/797,978.

We are informed that Exelixis, Inc., 170 Harbor Way, P.O. Box 511, South San Francisco, California 94083-511 is desirous of obtaining an assignment document that indicates that Exelixis Plant Sciences, Inc., a wholly owned subsidiary of Exelixis, Inc. (collectively hereinafter referred to as Assignee), has received all right, title and interest to the Invention.

Now, therefore, and in consideration of our employment and compensation paid to us by Assignee and other good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, we have assigned to said Assignee and said Assignee's legal representatives, successors and assigns, the entire right, title, and interest (a) in and to said application and said Invention; (b) in and to all rights to apply for foreign patents on said invention; (c) in and to any and all applications filed and any and all patents granted on said Invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, continuation or nonprovisional 37 CFR 1.53(b) application of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the above-mentioned Assignee agreeably with the terms of this agreement.

We hereby authorize the above-mentioned Assignee or its legal representative to insert in this instrument the filing date and serial number of said application or any other information that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

We have conveyed to said Assignee the entire right to make application in its own behalf for protection of said Invention in countries foreign to the United States and where expedient to claim under the International Convention or other international arrangement for any such application the date of the said United States application (or other application if any there be) in priority to other applications; and we have agreed that we will at any time upon request, without further or additional compensation or additional consideration, but at the expense of the said Assignee, execute such additional assignments and other writings and do such additional acts as said Assignee may deem necessary or desirable or perfect the Assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, renewal, reissued or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or chose in action accruing as a result of such application or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of both parties.


Date: _____

By: _____
David Clarence Hager


Date: _____

By: _____
Jeffrey D. Donaldson

Date: 3/24/05

By: 
Patrick Kearney

Date: 3/31/05

By: 
Douglas O. Keller

Date: _____

By: _____
James William Leahy

Date: _____

By: _____
Robert D. Mercer

Date: _____

By: _____
Michael Morrissey

Date: _____

By: _____
Troy M. Swartwood

Date: _____

Date: 4/6/05

Date: _____

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Date: _____

By: _____

Douglas O. Keller

By: James W. Leahy

James William Leahy

By: _____

Robert D. Mercer

By: _____

Michael Morrissey

By: _____

Troy M. Swartwood

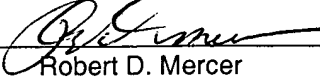
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Douglas O. Keller

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Troy M. Swartwood

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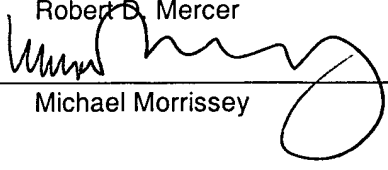
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Douglas O. Keller

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James William Leahy

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Robert D. Mercer

Date: _____

By: _____
Michael Morrissey

Date: 3/17/05

By: Troy M Swartwood
Troy M. Swartwood